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THE FOREST OF DEAN.

BY

JOHN BELLOWS.

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BY

JOHN BELLOWS,

OF GLOUCESTER, ENGLAND.

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Worcester, Mass., U. S. A.
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1900.

THE FOREST OF DEAN.

The Forest of Dean, in Gloucestershire, is one of the very few primeval Forests of Britain that have survived to this century. It has just been my privilege to accompany Senator Hoar on a drive through a portion of it, and he has asked me to write a few notes on this visit, for the American Antiquarian Society, in the hope that others of its members may share in the interest he has taken in its archæology.

I am indebted for many years' acquaintance with George F. Hoar, through Oliver Wendell Holmes, to the circumstance that the Hoar family lived in Gloucester from the time of the Tudors, if not earlier; and this has led him to pay repeated visits to our old city, with the object of tracing the history of his forefathers. In doing this he has been very successful; and only within the last few months my friend H. Y. J. Taylor, who is an untiring searcher of our old records, has come upon an item in the expenses of the Mayor and Burgesses, of a payment to Charles Hoar, in the year 1588, for keeping a horse ready to carry to Cirencester the tidings of the arrival of the Spanish Armada. And Charles Hoar's house is with us to this day, quaintly gabled, and with over-hanging timber-framed storeys, such as the Romans built here in the first century. It stands in Longsmith Street, just above the spot where forty years ago I looked down on a beautiful tessellated pavement of, perhaps, the time of Valentinian. It was eight feet below the present surface; for Gloucester, like Rome, has been a rising city.

Senator Hoar had been making his headquarters at Malvern, and he drove over from there one afternoon, with a view to our going on in the same carriage to the Forest. A better plan would have been to run by rail to Newnham or Lydney, to be met by a carriage from the "Speech House", a government hotel in the centre of the woods; but as the arrangement had been made we let it stand.

To give a general idea of the positions of the places we are dealing with, I may say that Upton Knoll, where I am writing, stands on the steep edge of a spur of the Cotteswold Hills, three and a half miles south of Gloucester. Looking north, we have before us the great vale, or rather plain, of the Severn, bounded on the right by the main chain of the Cotteswolds, rising to just over one thousand feet; and on the left by the hills of Herefordshire, and the beautiful blue peaks of the Malverns; these last being by far the most striking feature in the landscape, rising as they do in a sharp serrated line abruptly from the plain below. They are about ten miles in length, and the highest point, the Worcestershire Beacon, is some fourteen hundred feet above the sea. It is the spot alluded to in Macaulay's lines on the Armada—

"Till twelve fair counties saw the fire on Malvern's lonely height";

and two hundred years before the Armada it was on "Malvern hulles" that William Langland "forwandered" till he fell asleep and dreamed his fiery Vision of Piers Plowman—

"In a somere season, when softe was the sonne"

when, looking "esteward, after the sonne" he beheld a castle on Bredon Hill

"Truthe was ther-ynne"

and this great plain, that to him symbolized the world.

"A fair feld ful of folke fonde ich ther bytwyne;
Alle manere of men; the mene and the ryche."

Now, in the afternoon light, we can see the towns of Great

and North Malvern, and Malvern Wells, nestling at foot of the steep slant; and eight miles to the right, but over thirty from where we stand, the cathedral tower of Worcester. The whole plain is one sea of woods with towers and steeples glinting from every part of it; notably Tewkesbury Abbey, which shines white in the sunlight some fourteen miles from us. Nearer, and to the right, Cheltenham stretches out under Cleeve Hill, the highest of the Cotteswolds; and to the left Gloucester, with its Cathedral dwarfing all the buildings round it. This wooded plain before us dies away in the north into two of the great Forests of ancient Britain; Wyre, on the left, from which Worcester takes its name; and Feckenham, on the right, with Droitwich as its present centre. Everywhere through this area we come upon beautiful old timber-framed houses of the Tudor time or earlier; Roman of origin, and still met with in towns the Romans garrisoned, such as Chester and Gloucester, though they have modernized their roofs, and changed their diamond window panes for squares, as in the old house of Charles Hoar, previously mentioned.

Now if we turn from the north view to the west, we get a different landscape. Right before us, a mile off, is Robin's Wood Hill, a Cotteswold outlier; in Saxon times called "Mattisdun" or "Meadow-hill," for it is grassed to the top, among its trees. "Matson" House, there at its foot, was the abode of Charles I. during his siege of Gloucester in 1643. To the left of this hill we have again the Vale of the Severn, and beyond it, a dozen miles away, and stretching for twenty miles to the southwest are the hills of the Forest of Dean. They are steep, but not lofty—eight hundred or nine hundred feet. At their foot yonder, fourteen miles off, is the lake-like expanse of the Severn; and where it narrows to something under a mile is the Severn Bridge that carries the line into the Forest from the Midland Railway. Berkeley Castle lies just on

the left of it, but is buried in the trees. Thornbury Tower, if not Thornbury Castle, further south, is visible when the sun strikes on it. Close to the right of the bridge is an old house that belonged to Sir Walter Raleigh; and, curiously enough, another on the river bank not far above it is said to have been occupied by Sir Francis Drake just before the coming of the Armada. The Duke of Medina Sidonia, who commanded the Spanish fleet, was ordered to detach a force as soon as he landed, to destroy the Forest of Dean, which was a principal source for timber for the British navy; and it is probable that the Queen's ministers were aware of this and took measures in defence, with which Drake had to do.

Two miles lower than the bridge is the Forest port of Lydney, now chiefly used for shipping coal; and as the ex-Verderer of the Forest resides near it, and he would be able to furnish information of interest to our American visitor, we decided to drive to Lydney to begin.

It was too late to start the same day, however; and Senator Hoar stayed at Upton, where his visit happens to mark the close of what is known as the "open-field" system of tillage; a sort of midway between the full possession of land by freehold, and unrestricted common rights. The area over which he walked, and which for thousands of years has been divided by "meres" and boundary stones, is now to be enclosed, and so will lose its archæological claims to interest. In one corner of it, however, there still remains a fragment of Roman road, with some of the paving stones showing through the grass of the pasture field. The name of this piece of land gives the clue to its history. It is called Sandford: a corruption of Sarn ford, from *sarnu* (pronounced "sarney") *to pave;* and *ffordd*, a road. These are Celtic-Cornish and Welsh words; and it should be noted that the names of the Roman roads in the Island as well as those of the moun-

tains and rivers, are nearly all Celtic, and not Latin or Saxon.[1]

We made a short delay in the morning, at Gloucester, to give Senator Hoar time to go on board the boat "Great Western" which had just arrived in our docks from Gloucester, Massachusetts, to visit the mother city, after a perilous voyage across the Atlantic by Captain Blackburn single-handed. Senator Hoar having welcomed the captain in his capacity of an old Englishman and a New Englander "rolled into one," we set out for Lydney, skirting the bank of one arm of the Severn which here forms an island. It was on this Isle of Alney that Canute and Edmund Ironside fought the single-handed battle that resulted in their dividing England between them.[2] We pass on to the Island at Westgate Bridge; and a quarter of a mile further leave it by Over Bridge; one of Telford's beautiful works. Just below it the Great Western Railway crosses the river by an iron bridge, the western piers of which rest upon Roman foundations.

One remarkable thing which I believe I forgot to mention to George Hoar as we crossed the Island, is, that the meadows on both sides of the causeway belong to the "Freemen" of the city; and that, go back as far as we may in history, we cannot find any account of the original foundation of this body. But we have this clue to it—that Gloucester was made into a Colony in the reign of Nerva, just before the end of the first century; and in each Roman colony lands were allotted to the soldiers of the legions who had become freemen by reason of having served for twenty-five years. These lands were always on the side of the city nearest the enemy; and the lands we are crossing are on the western side of Glevum, nearest the *Silures*, or South Welsh, who were always the most

[1] The Whitcombe Roman Villa, four miles east of Upton, stands in a field called Sandals. In Lyson's description of it, written in 1819, it stands as *Sarn*dells. The paved road ran through the dell.

[2] Sharon Turner's "Anglo Saxons," Vol. III., Chap. XV.

dangerous enemies the Romans had in Britain. Similarly, at Chester, the freemen's lands are on the west, or enemy's side, by the Dee. In Bath it was the same.

Immediately after passing "Over" Bridge we might turn off, if time permitted, to see Lassington Oak, a tree of giant size and unknown age; but as Emerson says—

> "There's not enough for this and that.
> Make thy option which of two!"

and we make ours for Lydney. A dozen miles drive, often skirting the right bank of the Severn, brings us to Newnham, a picturesque village opposite a vast bend, or horse-shoe, of the river, and over which we get a beautiful view from the burial ground on the cliff. The water expands like a lake, beyond which the woods, house-interspersed, stretch away to the blue Cotteswold Hills; the monument to William Tyndale being a landmark on one of them—Nibley Knoll. Just under that monument was fought the last great battle between Barons. This battle of Nibley Knoll, between Lord Berkeley and Lord Lisle, left the latter dead on the field, at night, with a thousand of the men of the two armies; and made Lord Berkeley undisputed master of the estates whose name he bore.

We now leave the river, and turn inland; and in a short time we have entered the Forest of Dean proper; that is, the lands that belong to the Crown. Their area may be roughly set down as fifteen miles by ten: but in the time of the Conqueror, and for many years after, it was much larger; extending from Ross on the north, to Gloucester on the east, and thence thirty miles to Chepstow on the southwest. That is, it filled the triangle formed by the Severn and the Wye between these towns. It is doubtless due to this circumstance of its being so completely cut off from the rest of the country by these rivers, that it has preserved more remarkably than any other Forest the characteristics and customs of ancient British life, to which

we shall presently refer; for their isolation has kept the Dean Foresters to this hour a race apart.

Sir James Campbell, who was for between thirty and forty years the chief "Verderer," or principal government officer of the Forest, lives near Lydney. He received us with great kindness, and gave us statistics of the rate of growth of the oak, both with and without transplantation. Part of them are published in an official report on the Forest (A 12808. 6/1884. Wt. 3276. Eyre & Spottiswoode, London), and part are in manuscript with which Senator Hoar has been presented. Briefly, the chief points are these:

In 1784 or thereabout acorns were planted in "Acorn Patch Enclosure" in the Forest; and in 1800 trees marked A and B were taken from this place and planted opposite the "Speech House." Two, marked D and F, were drawn out of Acorn Patch in 1807 and planted near the Speech House fence. Another, marked N, was planted in 1807, five and one-half feet high, in the Speech House grounds, next the road; and L, M, N, X, have remained untransplanted in the Acorn Patch.

The dimensions were (circumference, six feet from the ground), in inches—

	A	B	D	F	L	M	N	X
In 1814, Oct. 5,	14¾	14	11	9½	15⅝	18½	13	24½
1824, Oct. 20,	29½	28¾	25⅜	22⅛	22½	23¾	30⅛	32⅛
1844, Oct. 5,	58½	58	45	46	35	34½	57	44½
1864, Oct. 1,	73½	71	59½	67¾	46½	44	73¼	56

Another experiment tried by Sir James Campbell himself gave the following results:

Experiment begun in 1861 to test the value, if any, of merely lifting and replanting oak trees in the same holes without change of soil, situation, or giving increased space; as compared with the experiment already detailed, which was begun in 1800.

In 1861, twelve oak trees of about 25 years' growth,

which had been self-sown (dropping from old trees afterwards cut down) in a thick plantation, were selected, all within gunshot of each other, and circumferences measured at five feet from the ground. Of these, six were taken up and immediately replanted in the same holes. The other six were not interfered with at all.

Aggregate admeasurement of six dug up and replanted. Marked in *white* paint 1, 2, 3, &c.	Aggregate admeasurement of six not interfered with. Marked in *red* paint 1, 2, 3, &c.	
1861, 24½ inches.	27 inches	(*i. e.*, 2½ inches more than the transplanted ones, at starting.)
1866, 37¾ "	46½ "	(*i. e.*, 10⅞ inches more than the transplanted ones, at starting.)
1886, 118¼ "	118⅝ "	(*i. e.*, the transplanted ones had now *regained* 10½ inches.)
1888, 125½ "	123½ "	(The transplanted trees in '88 had outgrown the others by 2 ins.)
1890, 133⅞ "	128 "	(The transplanted trees in '90 had outgrown the others by 5⅛ ins.)
1892, 141 "	131¼ "	(The transplanted trees in '92 had outgrown the others by 9¾ ins.)

Thus proving that merely transplanting is beneficial to oaks; the benefit, however, being greater when the soil is changed and more air given.[1]

From Lydney a drive of a few miles through pleasant ups and downs of woodland and field, brings us to Whitemead Park, the official residence of the Verderer, Philip Baylis. The title "Verderer" is Norman, indicating the administration of all that relates to the "Vert" or "Greenery" of the Forest; that is, of the timber, the enclosures, the roads, and the surface generally. The Verderer's Court is held at the "Speech House," to which we shall presently come: but the Forest of Dean is also a mineral district, and the Miners have a separate Court of their own. That some of their customs go back to a very remote antiquity we may well believe when we find the scale on which the Romans worked iron in the Forest; a scale so great that

[1] The Earl of Ducie, who has had very large experience as an arboriculturist, does *not* hold the view that oaks are benefited by transplanting, if the acorns are sown *in good soil*.

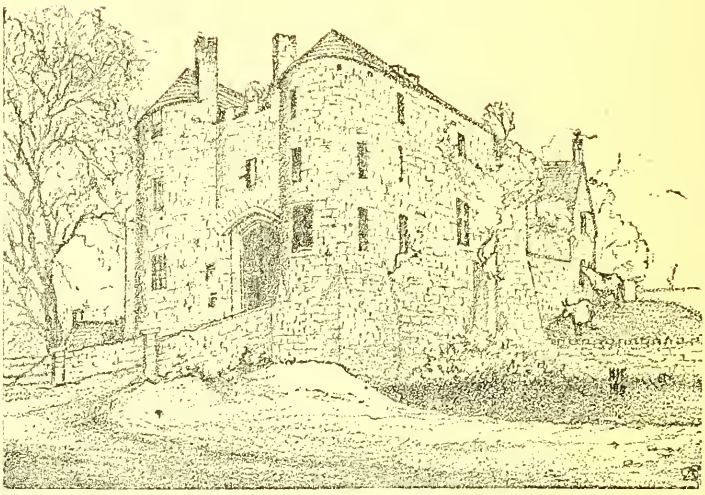
In the case of trees that show little or no satisfactory progress after four years, but are only just able to keep alive, he cuts them down to the root. In the next season 80 per cent. of them send up shoots from two to three feet high, and at once start off on their life's mission.

with their imperfect method of smelting with Catalan furnaces, etc., so much metal was left in the Roman cinder that it has been sought after all the way down to within the present generation as a source of profit; and in the time of Edward I., one-fourth of the king's revenue from this Forest was derived from the remelted Roman refuse.

I have a beautiful Denarius of Hadrian which was found in the old Roman portion of the Lydney-Park Iron Mine in 1854, with a number of other silver coins, some of them earlier in date; but when we speak of "mines," the very ancient ones in the Forest were rather deep quarries than what would now be termed mines. As we drive along we now and then notice near the roadside, nearly hidden by the dense foliage of the bushes, long dark hollows, which are locally known as "*scowles*," another Celtic word meaning gorges or hollows; something like ghyll in the Lake District, "Dungeon Ghyll," and so on. These were Roman and British Hematite mines. If we had been schoolboys I would have taken Senator Hoar down into a scowl and we should both have come back with our clothes spoiled, and our arms full of the splendid hartstongue ferns that cover the sides and edges of the ravine. But they are dangerous places for any but miners *or* schoolboys; and I shrank from encouraging an enthusiastic American to risk being killed in a Roman pit, even with the ideal advantage of afterwards being buried with his own ancestors in England! So I said but little about them.

The Miners' Court is presided over by another government officer, called the "Gaveller"; from a Celtic word which means *holding;* as in the Kentish custom of "Gavelkind."[1] These courts are held in "Saint Briavels" (pronounced "Brevels") Castle: a quaint old building of the thirteenth century, on the western edge of the Forest, where it was placed to keep the Welsh in check. It looks

[1] I suspect "Gaffer," the English equivalent of "Boss," may be from the same root; *i. e.*, the *taker* or contractor.



down on a beautiful reach of the river Wye at Bigswear; and it was just on this edge that Wordsworth stood in 1798, when he thought out his "Lines composed a few miles above Tintern Abbey," etc.

> "Five years have passed; five summers, with the length
> Of five long winters; and again I hear
> These waters rolling from their mountain springs
> With a soft inland murmur. Once again
> Do I behold these steep and lofty cliffs."

Senator Hoar will recall the scene from the railway below: the

> "Plots of cottage ground" that "lose themselves
> 'Mid groves and copses";

and he will say how exactly the words describe

> "These hedge-rows; hardly hedge-rows; little lines
> Of sportive wood run wild,"

for they cover yards in width in some places, as he will remember my pointing out to him. The castle is placed on the outside of the Forest and close on the Wye, to guard what was seven centuries ago the frontier of Wales; and the late William Philip Price (Commissioner of Rail-

ways and for many years member of Parliament for Gloucester) told me that when he was a boy the Welsh tongue was still spoken at Landogo, the next village down the river, midway between Bigswear and Tintern.

Philip Baylis showed us some of the old parchments connected with the Mine Court; one document especially precious being a copy of the "Book of Denys," made in the time of Edward III. It sets forth the ancient customs which formed the laws of the miners. At this point the Verderer had to settle some matter of the instant, but he put us under the care of a young man who acted as our guide to one of the ancient and giant oaks of the Forest, on the "Church Hill" enclosure, about three-quarters of a mile up the hill above the Park. Nicholls ("History of the Forest of Dean," page 20) thinks the name Church Hill comes from the setting apart of some land here for the Convent of *Grace Dieu* to pay for masses for the souls of Richard II., his ancestors and successors.

It was a steep climb; and the evening twilight was coming on apace as we followed the little track to the spot where the old oak rises high above the general level of the wood, reminding one of Rinaldo's magical myrtle, in "Jerusalem Delivered":

> "O'er pine, and palm, and cypress it ascends:
> And towering thus all other trees above
> Looks like the elected queen and genius of the grove!"

Only that for an *oak* of similar standing we must say "king" instead of "queen"; emblem as it is of iron strength and endurance.

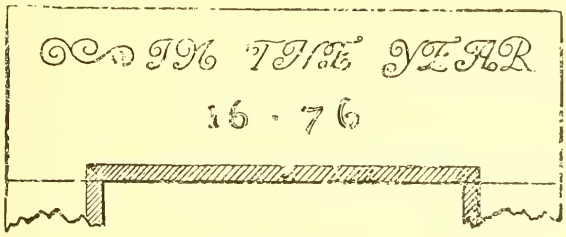
It is not so much the girth of the tree as its whole bearing that impresses a beholder; and I do not think either of us will forget its effect in the gloom and silence and mystery of the gathering night.

Resisting a kindly pressure to stay the night at Whitemead, that we might keep to our programme of sleeping at the Speech House, we started on the last portion of the

long day's drive. The road from Parkend, after we have climbed a considerable hill, keeps mostly to the level of a high ridge. It is broad and smooth; and the moonlight and its accompanying black shadows on the trees made the journey one of great beauty; while the mountain air lessened the sense of fatigue that would otherwise have pressed heavily on us after so long a day amid such novel surroundings. The only thing to disturb the solitude is the clank of machinery, and the lurid lights, as we pass a colliery; and then a mile or two more with but the sound of our own wheels and the rhythm of the horses' feet, and we suddenly draw up at an hotel in the midst of the Forest, its quiet well-lighted interior inviting us through the doorway, left open to the cool summer night air. We are at the Speech House. We had bespoken our rooms by wire in the morning: Senator Hoar had a *chambre d'honneur*, with a gigantic carved four-post bed that reminded him of the great bed of Ware. His room like my "No. 5," looked out over magnificent bays of woodland to the north. The Speech House is six hundred feet above the sea, and the mountain breeze coming through the wide open window, with this wonderful prospect of oak and beech and holly in the moonlight,—the distance veiled, but scarcely veiled, by the mist, suggest a poem untranslatable in words, and incommunicable except to those who have passed under the same spell. We speak of a light that makes darkness visible; and similarly there are sounds that deepen the long intervals of silence with which they alternate. One or two vehicles driving past; now and then the far-off call of owls answering one another in the woods—one of the sweetest sounds in nature—the varying cadence carrying with it a sense of boundlessness and infinite distance; and with it we fall asleep.

If there is anything more beautiful than a moonlight summer night in the heart of the Forest of Dean, it is its transformation into a summer morning, with the

sparkle of dew on the grass, and the sunrise on the trees; with the music of birds, and the freshness that gives all these their charm.



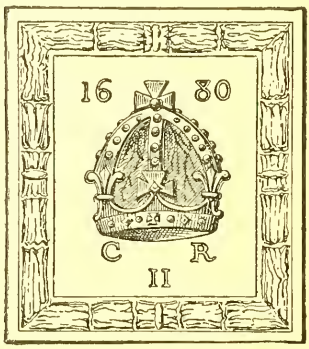
STONE OVER NORTH DOOR OF THE SPEECH HOUSE.

As soon as we are dressed we take a stroll out among the trees. In whichever direction we turn we are struck by the abundance of hollies. I believe there are some three thousand full grown specimens within a radius of a mile of the Speech House. This may be due to the spot having been from time immemorial the central and most important place in the Forest. The roads that lead to it still show the Roman paving-stones in many places, as Senator Hoar can bear witness; and the central point of a British Forest before the Roman time would be occupied by a sacred oak. The Forest into which Julius Cæsar pursued the Britons to their stronghold, was Anderida, that is, the Holy Oak; from *dar*, oak (Sanskrit, daru, a tree), and *da*, good. It is worth remarking that this idea survives in the personal name, Holyoak; for who ever heard of "Holyelm," or "Holyash," or a similar form compounded of the adjective and the name of any other tree than the oak? If there is an exception it is in the name of the *holly*. The Cornish Celtic word for holly was Celyn, from Celli (or Kelli), a grove; literally a *grove-one;* so that the holly was probably planted as a grove or screen round the sacred oak. Such a planting of a holly grove in the central spot of the Forest in the Druid time, would account for these trees being now so much more numerous round the Speech House than they are in any other part of the

woods. The Saxon name is merely the word *holy* with the vowel shortened, as in *holi*day; and that the tree really was regarded as holy is shown by the custom in the Forest Mine Court of taking the oath on a stick of holly held in the hand. This custom survived down to our own times; for Kedgwin H. Fryer, the late Town Clerk of Gloucester, told me he had often seen a miner sworn in the Court, touching the bible with the holly stick! The men always kept their caps on when giving evidence to show they were "Free miners."

The oaks, marked A. B., of whose growth statistics have already been given, stand on the side of the Newnham road opposite the Speech House. The Verderer is carrying on the annual record of their measurements.

We return to the house by the door on the west; the one at which we arrived last evening. It was then too dark to observe that the stone above it, of which I took a careful sketch several years ago, is crumbling from the effects of weather, after having withstood them perfectly for two centuries. The crown on it is scarcely recognizable; and the lettering has all disappeared except part of the R. This is as it appeared when I copied it. Steps are being taken to preserve what is left by melting hard paraffin wax into the surface of the stone.



We breakfast in the quaint old Court room. Before us is the railed-off dais, at the end, where the Verderer and

his assistants sit to administer the law. On the wall behind them are the antlers of a dozen stags; reminders of the time, about the middle of the present century, when the herds of deer were destroyed on account of the continual poaching to which they gave occasion. Many of the cases that come before the Court now are of simple trespass.

This quaint old room, with its great oak beam overhead, and its kitchen grate wide enough to roast a deer—this strange blending of an hotel dining-room and a Court of Justice, has nevertheless a link with the far distant past more wonderful than anything that has come down to us in the ruins of Greece or Rome.

Look at the simple card that notifies the dates of holding the Verderer's Court. Here is an old one which the Verderer, Philip Baylis, has kindly sent to Senator Hoar in response to his request for a copy.

V. R.

Her Majesty's Forest of Dean,
Gloucestershire.

VERDERERS' COURT.

Verderers:
Charles Bathurst, Esq. Sir Thomas H.
Crawley-Boevey, Bart.
Maynard Willoughby Colchester-Wemyss, Esq.
Russell James Kerr, Esq.

Deputy-Surveyor:
Philip Baylis, Esq.

Steward:
James Wintle.

——NOTICE.——

The VERDERERS of Her Majesty's Forest of Dean hereby give Notice that the COURT of ATTACHMENT of our Sovereign Lady the Queen for the said Forest will be holden by adjournment, at the Speech House, in the said Forest, at half-past Two o'clock, in the afternoon, on the following days during the year 1897, viz.:

Wednesday, the 27th January;
Monday, the 8th March;
Saturday, the 17th April;
Thursday, the 27th May;

Tuesday, the 6th July;
Monday, the 16th August;
Friday, the 24th September;
Wednesday, the 3rd November;
Monday, the 13th December.

James Wintle,
Steward.

Newnham, 1st January, 1897.

Many years ago I stood in this Court Room examining a similar notice, puzzled at the absence of any system or order in the times appointed for the sittings, which did not come once a month, or every six weeks; and did not even fall twice in succession on the same day of the week. Turning to the landlord of the hotel I asked, "What is the rule for holding the Court? *When* is it held?" "*Every forty days at twelve o'clock at noon*" was the reply. Reflection showed that so strange a periodicity related to no notation of time with which we are now in touch; it must belong to a system that has passed away; but what could this be?

We are reminded by the date of the building we are in (1680), that the room itself cannot have been used for much more than two centuries for holding the Courts.

But there was a Verderer's Court held in several Forests besides this Forest of Dean, long before the Stuart days. The office itself is mentioned in Canute's Forest Charter, dating back nearly nine hundred years; and as at that period about a third of England was covered with Forests, their influence must have been very powerful; and local laws and customs in them must have been far too firmly established for such a man as Canute to alter them. He could only have confirmed what he found; much as he confirmed the laws of nature as they affected the tides at Southampton!

The next Forest Charter of national importance after Canute's, is that of Henry III., in 1225. It is clear that he, again, made no material change in the old order of things; and in recapitulating the old order of the Forest

Courts, he ordains that the Court of Attachment (called in Dean Forest the Court of the Speech) was to be held *every forty days*. This Court was one of first instance, simply for the hearing of evidence and getting up the cases for the "Swainmote,"[1] which came *three times a year*. The Swains were free men ; and at their *mote* evidence was required from *three* witnesses in each case, on which the Verderer and other officers of the king passed sentence in accordance with the laws laid down in this Charter. From this Swainmote there was a final appeal to the High Court of the Judges in Eyre (Eyre, from "errer" to wander, being the Norman French for Itinerant, or, on Circuit) which was held *once in three years*.

The forty-day court was common to all the ancient forests of Britain ; and that they go back to *before* the time of Henry III. is clear from the following extracts from Coke's Fourth Institute, for which I am indebted to the kindness of James G. Wood, of Lincoln's Inn.

Cap. LXXIII.

Of the Forests and the Jurisdiction of the Courts
[p 289] of the Forest.

* * * * * *

And now let us set down the Courts of the Forest—Within *every* Forest there are these Courts

1—The Court of the Attachments or the Woodmote Court. This is to be kept before the Verderors every forty days throughout the year —and thereupon it is called the Forty-day Court—At this Court the Foresters bring in the Attachments de viridi et venalione [&c &c]

* * * * * *

2—The Court of regard or Survey of days is holden every third year [&c &c]

* * * * * *

[1] That the Forest Charter of Hen. III. did not establish these courts is proved from a passage in Manwood, cap. 8, which runs thus: "And the said Swainmotes shal not be kept but within the counties in the which they have been used to be kept."

3. The Court of Swainmote is to be holden before the Verderors as judges by the Steward of the Swainmote thrice in every year [&c]

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4. – – – The Court of the Justice Seat holden before the Chief Justice of the Forest – – aptly called Justice in eire – – – and this Court of the Justice Seat cannot be kept oftener than every third year.

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[319] *For the antiquity of such Forests within England as we have treated of the best and surest argument thereof is that the Forests in England (being in number 69) except the New Forest in Hampshire erected by William the Conqueror as a conqueror, and Hampton Court Forest by Hy 3, by authority of Parliament, are so ancient as no record or history doth make any mention of any of their Erections or beginnings.*

Here then we have clear evidence that nearly seven hundred years ago the Verderer's Court was being held at periods of time that bore no relation to any division of the year known to the Normans or Plantagenets, or, before them, to the Saxons, or even, still earlier, to the Romans. We are, therefore, driven back to the period before the Roman invasion in Britain, and when the Forest legislation was, as Cæsar found it, in the hands of the Druids. In his brief and vivid account of these people he tells us that they used the Greek alphabet; and as he also says they were very proficient in astronomy, it seems clear that they had their astronomy from the same source as their literature. Their astronomy involved of necessity their notation of time. And the Greeks, in turn, owed their astronomy to the Egyptians, with whom the year was reckoned as of three hundred and sixty days; and this three hundred and sixty-day year gives us the clue to the forty-day period for holding the Forest Courts in Ancient Britain.

We cannot fail to be struck, as we examine the old Forest customs, with the constant use of the *number three*, as a sacred or "lucky" number, on every possible occasion. We have just seen the rôle it plays in the Mine Court, with its *three* presiding officials, its jury of multiples of *three* (twelve, twenty-four, forty-eight); its holly stick oath sworn by *three* witnesses. We have noticed the Swainmote Court, also requiring *three* witnesses, held *three* times a year, and subordinate to the Court of Eyre held once in *three* years; to which should be added the perambulation of the Forest bounds at the same triennial visit in Eyre, when the king's officers were accompanied by nine foresters in fee *(three threes)* and twenty-four jurors *(eight threes)*.

To go fully into the rôle of the number three in British traditions would require a profound study; but it may be useful briefly to note its influence on the Bardic poetry—the Triads, where the subjects are all grouped in threes. Nor was this predilection confined to the Island. We find it affecting the earliest history of Rome itself, with its *nine* gods ("By the nine gods he swore") and the *nine* books which the Sibyl destroyed by *threes*, till the last *three* were saved. Then we have the evidence in the name *nundina*[1] for a market, that the week was originally a cycle not of seven, but of *nine* days; and our own saying that a given thing is a "*nine days' wonder*" is undoubtedly a survival from the period when the nine days made a week,[2] for such a phrase expresses a round number or unit of time; not nine *separate* days.

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[1] The Romans meant by *nundinæ* periods that were really of eight days; but they made them nine by counting in the one *from* which they started. So accustomed were they to this method of notation that the priests who had the control of the calendar, upset Julius Cæsar's plan for intercalating a day once in *four* years ("Bissextile") by insisting that the interval intended was *three* years! Augustus was obliged to rectify this by dropping the overplus day it occasioned.

It is this Roman custom of *inclusive* reckoning which has led to the French calling a week *huit jours*, and a fortnight, *une quinzaine*.

[2] The word week comes from *wika* (=Norsk *vika)* to bend or *turn*. The idea connected with it was no doubt that of the moon's turning from one of its quarters to

Shakespeare had been struck with the relationship of the *nine* day week, alluded to in the proverb, to the more modern one of seven days, as is shown by his very clever juxtaposition of the two in "As You Like It." In Act III., Scene 2, he makes Celia say to Rosalind

"But didst thou hear *without wondering* how thy name should be hanged and carved upon these trees?"

And Rosalind replies

"I was *seven* of the *nine days out of the wonder* before you came"—*etc.*

Gloucester, down till the Norman time, and after, was the great manufactory of the iron brought from the Forest of Dean. The metal was brought up the Severn by barges, to the quay which stood at the road running straight down from Longsmith Street (in which Charles Hoar's house stands), and buried under all this street we find the cinder and slag of the Roman forges. In Domesday Book (which was ordered to be drawn up at a Parliament in Gloucester in 1083) it states that the City had paid to the king (*i. e.*, Edward the Confessor) ten *dicres* of iron yearly. This is very remarkable, for a dicre was three dozen rods or bars; so that the whole tribute was three hundred and sixty bars, or *one bar per day for the Druid year of three hundred and sixty days.*[1]

And now we come back to the Verderer's Court at the

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the next. I can remember when some of the people in "the Island" in Gloucester always made a point of *turning* any coins they had in their pockets when it was new moon and repeating a sort of invocation to the moon! How or when the nine day week was exchanged by western nations for the seven day one, we do not know; but it is likely that it may have been brought about by the Phœnicians and Jews, who regarded the number *seven* as the Druids regarded *three*—as something especially sacred. They had much of the commerce of Southern Europe in their hands, and, therefore, a certain power in controlling the markets, which it would be a convenience to Jews to *prevent* falling on the sabbath day. The circumstance that the lunar month fitted in with four weeks of seven days no doubt made it easier to effect the change from *nundinæ*.

[1] For more than a century after Julius Cæsar had altered the year to three hundred and sixty-five days, the Roman soldiers were still paid at the ancient rate of three hundred and sixty days only, losing the rest as "*terminalia*," or days not counted as belonging to the year! The proof of this is that in the time of Domitian a soldier's *year's* pay divided by three hundred and sixty gives an even number of *ases*.

Speech House with a clear reason for its being held "*every forty days at twelve o'clock at noon.*"

Forty days was the *ninth* of the Druid year of three hundred and sixty, and was a period of five weeks of eight days each, but which according to the ancient method of counting were called "*nine-days.*" And the reason the Court sits "at Twelve o'clock at noon" is because the Druid day began at noon. Even now, within ten miles of where I write, the children on Minchinhampton Common, on the Cotteswold Hills, keep up "*old May Day,*" which was the opening of the Druid year, though they are ignorant of this. Boys and girls arm themselves on that day with boughs of the beech, and go through certain games with them; but exactly as the clock strikes *twelve* they throw them away, under pain of being stigmatized as "*May fools!*"

Well has Oliver Wendell Holmes put it, that "*All* things are *in all* things!" Even this common-place list of Court days in the Forest of Dean becomes a beautiful poem when the light of such a past shines on it; just as the veriest dust of the Krakatoan volcano evolves itself into every color of the rainbow when it rises into the sunset sky.

Since writing this paper I find that Philip Baylis, the Verderer of the Forest of Dean, has kindly sent three or four dozen of young oak trees from the government plantations, to Washington, in order that they may be planted there and in some other places in the United States, to begin the century with. The state department of Agriculture has arranged for the planting of these oaks, and the periodical record of their measurements, so that a valuable basis will be established for an experiment that may be carried on for a century, or more; and we, the archæologists of the nineteenth century, shall have wiped away the stigma implied in the old Aberdeen baillie's remark, that as *Posteerity* had never done anything for us, we ought not to do anything for *posteerity!*

The Earl of Ducie has sent, accompanying these Forest of Dean oaks, four small plants, seedlings from the great Chestnut Tree on his Estate at Tortworth; the largest and oldest of its sort in Great Britain. It measures forty-nine feet round the trunk.

Leaving the Speech House for Coleford and Newland we descend a steep hill for half a mile, and crossing the rail at the Station we begin to ascend the opposite rise through the woods. As the carriage climbs slowly up we keep on the lookout for the margin-stones of the Roman paving which here and there show through the modern metaled surface—pieces fifteen to twenty inches long by about five inches in thickness, and set so deep in the ground that eighteen hundred years' wear has never moved them. They are buttressed on the outer edge by similar blocks set four or five inches lower, and themselves forming one side of the solidly paved water-way or gutter which was constructed as part of every such road on a steep gradient, to secure it from abrasion by flood or sudden rush from heavy rainfall. There are many excellent examples of this in the Forest of Dean. We are on the watch, however, for some part where the "*margines*" remain on *both* sides of the way. At last we come upon such a place, and alighting from the carriage we strain the tape measure across at two or three points. The mean we find to be thirteen feet and seven inches. As the Roman foot was just over three per cent. less than ours, this means that the Romans built the road here for a fourteen-foot way. So far as I have examined their roads they were always constructed to certain standard widths—seven feet, nine feet, eleven feet, thirteen feet, fourteen feet, or fifteen feet.

It is not too much to say that most of the main roads in England are Roman; but the very continuity of their use has caused this to be overlooked. All the *old* roads in the Forest of Dean have been pronounced by the Ordnance Surveyors, after close examination, to bear evidences of

Roman paving, although for some centuries since then wheel carriages went out of use here!

There is a vivid description in Statius of the making of an imperial-road through such another Forest (if not indeed this very one!) especially worth recalling here, because it was written at very nearly the period of the building of this track over which we are journeying; *i. e.*, near the end of the first century.

The poet stands on a hill from which he can see the effect of the united work of the army of men who are engaged in the construction: perhaps a hundred thousand forced laborers, under the control of the legionary soldiers who act as the engineers. He makes us see and hear with him the tens of thousands of stone cutters and the ring of their tools squaring the "setts"; and then one platoon after another stepping forward and laying down its row of stones followed by rank after rank of men with the paviours' rammers, which rise and fall at the sweep of the band-master's rods, keeping time in a stately music as they advance; the continuous falling and crashing of the trees as other thousands of hands ply the axes along the lines, that creep, slowly, but visibly, on through the Forest that no foot had ever trodden—the thud of the multitudinous machines driving the piles in the marshy spaces; the whole innumerable sounds falling on the ear like the roaring of a great and vast sea.

The language Statius uses is more simple than mine; but this is substantially the picture he gives: and I know of nothing that so impresses on the imagination the thunder of the power of the Roman Empire as this creation in the wilderness, in one day, of an iron way that shall last for all time.

We are here in the sweet silence of a summer morning, eighteen hundred years after such a scene, and able mentally to catch some glimpse of it; some echo of the storm that has left behind it so ineffaceable a mark.

"I intended to ask you just now whether the man you spoke to in the road was a typical native of the district?" said Senator Hoar. "He was dark and swarthy, with very black hair and piercing eyes; not at all like the majority of people we see in Gloucester for instance." "Yes, he is a typical Forester"; exactly such a man as Tacitus describes his Silurian ancestors; so Spanish in appearance that he tries to account for it by remarking that "*that part of Britain lies over against Spain*"; as if it was such a short run across the Bay of Biscay to the upper end of the Bristol Channel that nothing would be more natural than for Spaniards to sail over here with their wives and families and become Silures!

These Western Britons, both here in the Forest and in Cornwall certainly remind one of Spaniards. The type is of an older Celtic than that of the present Welsh people proper, as some evidences in the language also point to the occupation being an older one. With respect to this particular district of the Forest and the East of Monmouthshire, one more element must not be left out of the account: and that is, that Caerleon was founded by the second legion being removed to it from Gloucester about the time this road was made; and that it remained for three hundred years the headquarters of that legion, which was a Spanish one raised in the time of Augustus. Forty years ago I remember being at Caerleon (two and one half miles from Newport), when I met the children of the village coming out of school. It was hard to believe they were not Spanish or Italian!

At all events this part of Britain lies over against Boston; and Americans can cross over and see Caerleon for themselves more easily than the people could, of whom Tacitus wrote.

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